

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CURT R. THEGE,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a Delaware  
corporation;

Defendant.

**4:20CV3014**

**FINAL PROGRESSION ORDER  
(AMENDED)**

IT IS ORDERED that the parties' joint motion to extend the unexpired progression deadlines is granted. (Filing No. 64). The final progression order is amended as follows:

- 1) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	June 11, 2021.
For the defendant(s):	June 28, 2021.
- 2) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is August 30, 2021.
- 3) The deadline for filing motions to dismiss and motions for summary judgment is September 22, 2021.
- 4) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is September 22, 2021.
- 5) Motions in limine shall be filed seven days before the pretrial conference. It

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

- 6) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 4th day of May, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge